EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-0056-PWS-E **TCEQ ID:** RN101194082 **CASE NO.**: 32213

RESPONDENT NAME: Rosebud-Lott Independent School District

ORDER TYPE:									
X_1660 AGREED ORDER	1660 AGREED ORDERFINDINGS AGREED ORDERFINDINGS ORDER FOLLOWING SOAH HEARING								
FINDINGS DEFAULT ORDER	FINDINGS DEFAULT ORDER SHUTDOWN ORDER IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER								
AMENDED ORDER	EMERGENCY ORDER								
CASE TYPE:									
AIR	MULTI-MEDIA (check all that apply)INDUSTRIAL AND HAZARDOU								
X PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKSOCCUPATIONAL CERTIFICATIO								
WATER QUALITY	SEWAGE SLUDGEUNDERGROUND INJECTION CON								
MUNICIPAL SOLID WASTE RADIOACTIVE WASTE DRY CLEANER REGISTRATION									
TYPE OF OPERATION: Public water supply SMALL BUSINESS: Yes X No OTHER SIGNIFICANT MATTERS: There are location. INTERESTED PARTIES: No one other than th COMMENTS RECEIVED: The Texas Register CONTACTS AND MAILING LIST:	. Amy Martin, Enforcement Division, Enforcement	nding enforcement actions regarding this facility n this matter. ments were received. Team 2, MC 169, (512) 239-2540; Mr. Steven							

DOCKET NO.: 2007-0056-PWS-E

VIOLATION SUMMARY CHART: VIOLATION INFORMATION PENALTY CONSIDERATIONS CORRECTIVE ACTIONS TAKEN/REQUIRED A BOOK Type of Investigation: Total Assessed: \$460 **Ordering Provisions:** _Complaint X Routine The Order will require the Respondent to: Total Deferred: \$92 ___ Enforcement Follow-up X Expedited Settlement __ Records Review a. Within 30 days after the effective date of this Financial Inability to Pay Agreed Order: Date of Complaint Relating to this Case: i. Begin maintaining all required water SEP Conditional Offset: \$0 system operating records; Date of Investigation Relating to this Case: Total Paid to General Revenue: \$368 October 25, 2006 ii. Create and begin maintaining a plant operations manual; **Site Compliance History Classification** Date of NOE Relating to this Case: November High X Average Poor iii. Begin collecting routine 9, 2006 (NOE) bacteriological monitoring samples at **Person Compliance History Classification** active service connections that are Background Facts: This was a routine High X Average Poor representative of water throughout the investigation. Four violations were distribution system; and documented. Major Source: Yes X No WATER iv. Secure a purchase water contract. Applicable Penalty Policy: September 2002 b. Within 45 days after the effective date of this 1) Failed to provide all public water system Agreed Order, submit written certification and operating records at the time of the investigation include detailed supporting documentation [30 Tex. Admin. Code § 290.46(f)(2)]. including photographs, receipts, and/or other records to demonstrate compliance with 2) Failed to develop and maintain a plant Ordering Provision a. operations manual for operator review and reference [30 Tex. ADMIN. CODE § 290.42(1)]. 3) Failed to collect routine bacteriological A Company monitoring samples at active service connections that are representative of water throughout the distribution system [30 Tex. ADMIN. CODE § 290.109(c)(1)(A)]. 4) Failed to secure a purchase water contract [30 TEX. ADMIN. CODE § 290.45(f)].

	P	enalty C	Calcula	tion Worl	kshee	t (PCW)	
Policy Revision 2 (Se							n November 17, 2006
EQ	II 42 No. 2006						
ATES Assigne PCV			29-Nov-2	006 EPA D i	ue		
SPONDENT/FACILIT	YINFORMATIC)N					
	t Rosebud-Lott		School Distr	ict			24. 7 2.27.0000000
Reg. Ent. Ref. No		2			(141)	- ING-2	
Facility/Site Region	n 19-vvaco			I Waj	or/Minor S	Source Minor	
SE INFORMATION	\$ 3						
Enf./Case ID No). 32213	WA =		<u>. </u>	No. of Viol		
	2007-0056-P\			-		r Type 1660 linator Amy Martin	<u> </u>
Media Program(s Multi-Medi		Supply		. :		Team EnforcementTeam	2
Admin. Penalty \$		n \$50	Maximum	\$1,000		ream Emorocment can	 _

				ulation Se	ection		
AL BASE PENA	LTY (Sum o	fviolation	base pen	alties)		Subtotal 1	\$460
JUSTMENTS (+/-) TO SUBTO	TAL 1				Mary Mary	3. 化氯甲酸氢甲基
Subtotals 2-7 are obt	ained by multiplying	the Total Base P	enalty (Subtota	l 1) by the indicated	d percentage.		
Compliance His	story	1115	11533	0% Enhanceme	ent	Subtotals 2, 3, & 7	\$0
Note		lo adjustment	to the nene	Ity is recommer	nded		
Note	S	io aujustinicin	i to trie peria	ity is recomme	naea.		
Culpability	No	94.5		0% Enhanceme	ent	Subtotal 4	\$0
				- 4 4 1 1 114			
Note	s ine	Respondent o	loes not me	et the culpability	y criteria.		
Cood Faith Eff	ant to Comply			0% Reduction	4-1-1-17-1-17-1-17-18-18-18-18-18-18-18-18-18-18-18-18-18-	Subtotal 5	\$0
Good Faith Effo	Before NOV	NOV to EDP	RP/Settlement	encommunication of the contract of the contrac	U .	อนมเบเลา อ	ΨΟ
Extraordina							
Ordina	-						
N	/A X	(mark with x)					
Note	es The	Respondent o	does not me	et the good faitl	h criteria.		
		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		- Nation		<u></u>	
		# 1 E E I		0% Enhanceme	TO ALL THE RESIDENCE	Subtotal 6	\$0
Annro	Total EB Amour x. Cost of Complian		- *°	apped at the Total	EB \$ Amount		
Дррго	x. Cool of Compilar	Ψ500	_				
M OF SUBTOTA	LS 1-7					Final Subtotal	\$460
HER FACTORS	AC HICTICE	MAY DEO	HIDE		-	Adjustment	\$0
JUNE OF THE PROPERTY OF THE PR	I Subtotal by the ind	icated percentage	e. (Enter numb	er only; e.g30 for	r-30%.)		Ψ0
Notes						· · ·	
					F	inal Penalty Amount	\$460
					• •		
	ADJUSTME	NT	78 Kg \$5 75		Fin	al Assessed Penalty	\$460

Reduction

Adjustment

-\$92

\$368

DEFERRAL
Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

PAYABLE PENALTY

Deferral offered for expedited settlement.

Screening Date 29-Nov-2006

Docket No. 2007-0056-PWS-E

Respondent Rosebud-Lott Independent School District

Policy Revision 2 (September 2002) PCW Revision November 17, 2006

Case ID No. 32213

Reg. Ent. Reference No. RN101194082

Media [Statute] Public Water Supply

Enf. Coordinator Amy Martin

	/ Site Enhancement (Subtotal 2) Number of Ente	er Number Here	Adjust.	2000
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%	
	Other written NOVs	0	0%	l
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	.0%	
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%	
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	-0	0%	2
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%	١,
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%	
Emissions	Chronic excessive emissions events (number of events)	0	0%	
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	Ó ···	0%	
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0 ,	0%	
	Please t	Enter Yes or No		and.
	Environmental management systems in place for one year or more	No	0%	·
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No. '	0%	
Other	Participation in a voluntary pollution reduction program	No	0%	
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%	
	Adjustment Per	centage (S	ubtotal 2)	_
it Violator (Su	btotal 3)		y (1984)	ğ.
No	Adjustment Per	centage (S	ubtotal 3) [al.
liance History	Person Classification (Subtotal 7)			
Average P	erformer Adjustment Per	centage (S	ubtotal 7)	7
liance History	Summary		,1 A 1 = 22 mm = 31 2 mm = 1	
Compliance History Notes	No adjustment to the penalty is recommended.			

Screening Date		1/60/07/04/8/1980 P/98/2011	No. 2007-0056-PWS-E	PCW
Respondent Case ID No.	Rosebud-Lott Independ	ient School District		Policy Revision 2 (September 2002) PCW Revision November 17, 2006
Reg. Ent. Reference No.				7 077 (07)31311 71073711331 77, 2000
Media [Statute]	Public Water Supply			
Enf. Coordinator				
Violation Number	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			: 1
Rule Cite(s)		30 Tex. Admin. Code §	290.46(f)(2)	1.24
			A WAR TO SERVE A SERVE	
Violation Description	investigation. Spec	cifically, the facility did not l	erating records at the time of thave one of 21 requested record. The missing record was the attion form.	ords
	24 - L. 1	e de la companya de l	Base	Penalty \$1,000
>> Environmental, Property a	ınd Human Health I	Matrix	2 1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	
Release	Harm Major Modera			
OR Actual				a de la companya de l
Potential		1000 100 100 100 100 100 100 100 100 10	Percent 0%	
>>Programmatic Matrix				
Falsification	Major Modera	<u>ite Minor</u>		Account
		X	Percent 1%	
Matrix Notes	Less than 5	% of the rule requirement	was not met.	NTO.
140103	, , , , , , , , , , , , , , , , , , ,			1
			Adjustment	\$990
				\$10
				\$ \$10
Violation Events				
Number of Vi	olation Events 1	35	Number of violation days	
			,	
	daily			
mark only one	quarterly	nani	Violation Base	Penalty \$10
with an x	semiannual		y	
	annual x			,
	omgrootore X			
	One	e single event is recommer	nded.	
Economic Benefit (EB) for th	is violation		Statutory Limit Tes	t
Estimate	d EB Amount	\$3	Violation Final Pena	Ity Total \$10
Transport of		This violation Final As	ssessed Penalty (adjusted fo	or limits) \$10

1.60

Case ID No.		ndependent School	District 🖟 🖽	partitor.	g a rd Bosefelte		
Reg. Ent. Reference No.							
	Public Water S				5445825945	F. Commercial	Years of
Violation No.		арріу			Heppel Haddi o	Percent Interest	Depreciation
					44.4	5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$			33 - TY			
		ere seed a gest of			and the second second	, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	The California and a com-
Delayed Costs		Section Section					
Equipment	100 - 844 E 1460 i	up Kiparus a Villa	Oughining record	0.0	\$0	\$0	\$0
Buildings		WARREST AFTERNAL		0,0	\$0	\$0	\$0
Other (as needed)	-1755, 2011, 2010, 35, 44, 44	Park Water to	42. <u> </u>	0.0	\$0	\$0	\$0
Engineering/construction	100 17 170 180	ebay 1886 Trees		0.0	\$0	\$0	\$0
Land	# 400	05.0 10000		0.0	\$0	n/a	\$0 '
Record Keeping System Training/Sampling	\$100	25-Oct-2006	30-Jun-2007	0.7	\$3	n/a	\$3 60
Remediation/Disposal		3501351313131313131313131313131313131313		0.0	\$0 \$0	n/a n/a	\$0 \$0
Permit Costs	1 7 17 19 1 19 1 sept 1	Late Grand Control of the Control of		0.0	\$0	n/a	\$0 \$0
Other (as needed)	100000000000000000000000000000000000000	86-35 A.H. (273-15-15-16-16-16-16-16-16-16-16-16-16-16-16-16-		0.0	\$0	n/a	\$0
Notes for DELAYED costs					compliance.	vestigation. The Fir	
• .					10 May 1 May		
Avoided Costs	ANN	UALIZE [1] avoide				one-time avoided o	osts)
Disposal	ANN	UALIZE [1] avoide		ntering	item (except for	\$0	\$0
Disposal Personnel	ANN	UALIZE [1] avoide		ntering 0.0 0.0	item (except for	\$0 \$0	\$0 \$0
Disposal Personnel Inspection/Reporting/Sampling	ANN	UALIZE [1] avoide		ntering 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampilng Supplies/equipment	ANN	UALIZE [1] avoide		ntering 0.0 0,0 0,0		\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampiling Supplies/equipment Financial Assurance [2]	ANN	UALIZE [1] avoide		ntering 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	UALIZE [1] avoide		ntering 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampiling Supplies/equipment Financial Assurance [2]	ANN	UALIZE [1] avoide		ntering 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN	UALIZE [1] avoide		ntering 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN ANN (1) (2) (2) (3) (3) (4) (4) (4) (4) (4) (4) (4) (4) (4) (4	UALIZE [1] avoide		ntering 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN	UALIZE [1] avoide		ntering 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN	UALIZE [1] avoide		ntering 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN	UALIZE [1] avoide		ntering 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0

Screening Date 29-Nov-2006 Docket No. 2007-0056-PWS-E	PCW
	Policy Revision 2 (September 2002)
Case ID No. 32213 Reg. Ent. Reference No. RN101194082	PCW Revision November 17, 2006
Media [Statute] Public Water Supply	
Enf. Coordinator Amy Martin	
Violation Number 2	
Rule Cite(s) 30 Tex. Admin. Code § 290.42(I)	and the second s
Violation Description Failed to develop and maintain a plant operations manual for operator review and reference.	nd
Base Pe	enalty \$1,000
	, , , , , , , , , , , , , , , , , , ,
>> Environmental, Property and Human Health Matrix	
Harm Release Major Moderate Minor	
OR Actual Control of the Control of	
Potential Percent 0%	
>>Programmatic Matrix	
Falsification Major Moderate Minor	
X Percent 10%	
Matrix Notes 100% of the rule requirement was not met.	N. CALLED
Adjustment	\$900
	\$100
Violation Events	
Number of Violation Events 1 35 Number of violation days	
of a deal of a stranger of a deal of a	
daily monthly	
mark only one quarterly Violation Base P	enalty \$100
with an x semiannual annual single event x	
One single event is recommended.	
Economic Benefit (EB) for this violation Statutory Limit Test	
	. T. 4. 1
Estimated EB Amount \$7 Violation Final Penalty	/ Total \$100
This violation Final Assessed Penalty (adjusted for	limits) \$100

Case ID No.	32213	Independent School	District	* * * * * * * * * * * * * * * * * * *	ing the second s		र प्रमुख्या इन्हेरी
Reg. Ent. Reference No. Media Violation No.	Public Water S			, d , d , consequent becomes	oresta es materiales	Percent Interest	Years of Depreciation
	Item Cost					5.0	71 V 1
Item Description	A STATE OF THE PARTY OF THE PAR	Date Required	Final Date	yrs	Interest Saved	Onetime Costs	EB Amount
A PARTY DATE OF THE PARTY OF TH	No continuas or a	.,	2. y y	Service (C)		1	And the second
Delayed Costs				4			5000 E.A.
Equipment		1000	CONTROL OF THE PARTY OF THE PAR	0.0	\$0	\$0	\$0
Buildings	314 27 440 (1980)	LONG CONTROL CONTROL	April 1900 State Control	0.0	\$0	\$0	\$0
Other (as needed)	Over Equation	3200		0.0	\$0	\$0	\$0
Engineering/construction		\$100 B		0,0	\$0	\$0	\$0
Land		c lentificación en entre en en	AURORANNA BEST TE SOT	0.0	\$0	n/a-	\$0
Record Keeping System	470.000m	A LANGO CACOLLEGIO DE LA CONTRACTOR DE L		0.0	\$0	l r i n/a	\$0
Training/Sampling	THE STATE OF THE STATE OF			0.0	\$0	n/a	\$0
Remediation/Disposal	S. SAMPRONA, CO.			0.0	\$0	n/a	\$0
Permit Costs Other (as needed)	\$200	l. 25-Oct-2006	30-Jun-2007	0,0	\$0 \$7	n/a n/a	\$0 \$7
Notes for DELAYED costs	Estimated cos	st to (levelop and ma The	aintain a plant ope Final Date is the	erations r estimat	manual. The Date ed date of complia	Required is the invince.	estigation date
	ANN	IUALIZE [1] avoide	d costs before e	nterina	item (except for	one-time avoided o	
Avoided Costs							
Disposal	A Valley of the Section of the Secti	27.5		0.0	\$0	\$0	\$0
Disposal Personnel				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Disposal Personnel Inspection/Reporting/Sampling		The second secon		0.0 0.0 0.0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment				0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0

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Screening Date		The state of the s	No. 2007-0056-PWS-E	PCW
Respondent Case ID No.	Rosebud-Lott Independe	ent School District		Policy Revision 2 (September 2002)
Reg. Ent. Reference No.				PCW Revision November 17, 2006
소영상을 경험하는 것이다. 오픈데도 가장 하는 사람들이 가면 가장 있다면 없었다. 중인 전기	Public Water Supply			
Enf. Coordinator			,	
Violation Number	3			
Rule Cite(s)		30 Tex. Admin. Code § 29	90.109(c)(1)(A)	er den Negation
	r v			
Violation Description	that are representative	e of water throughout the	samples at active service conne distribution system. Specifically, ne location (teachers work area).	
			Base P	enalty \$1,000
>> Environmental, Property a	and Human Health M	latrix		
B-l	Harm Major Madarat	n Minar	,	
OR Release		e Minor .		as a section relatives
Potential			Percent 25%	•
14 77 F				
>>Programmatic Matrix Falsification	Major Moderat	e Minor	7.7 2.7 2.7	
Faisincation	<u>Major</u> Moderat		Percent 0%	
P	<u> </u>		070	
Failure to sel	lleet beeteriological comp	los from losations through	sout the water distribution aveter	ANAS
Matrix Failure to col		t levels of contaminants to	out the water distribution system o go undetected.	Could
				- dia
			Adjustment	\$750
•			• •	\$250
Violation Events		407 M COL		
				Control of the Contro
Number of Vi	olation Events 1		Number of violation days	
***************************************	daily	-		
	monthly	-		
mark only one	quarterly		Violation Base P	enalty \$250
with an x	semiannual			
	annual x		•	
	Single event X			
	One single event is re	ecommended based on th	e date of investigation.	
Economic Benefit (EB) for th	nis violation		Statutory Limit Test	
Eatimata	d EB Amount	\$3	Violation Final Penalt	/ Total \$250
. csamate	a LD Amount	Ψ0]	Violation Final Fenalt	·
		This violation Final A	Assessed Penalty (adjusted for	limits) \$250
		化基金金属 縣 医硷		

2. 7. 41. 15.

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount	Case ID No.	32213	ndependent School	District	, 10,19	•	· Section (Prop. 1) (Betting) Kangan (Internal Section (Prop. 1)	
Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount	Media	Public Water S	upply		٠,	ે સ્ટાઇન્ટર સુ પાસ્કુટર ઉભાગત	Percent Interest	Years of Depreciation
Delayed Costs Equipment						PERM	5.0	
Delayed Costs Equipment			Date Required	Final Date -	Yrs	Interest Saved	Onetime Costs	EB Amoun
Delayed Costs Equipment Buildings	Item Description	No commas or \$		- 10°				
Buildings Other (as needed)	Delayed Costs							
Cither (as needed)			\$2550 P. Fr. 183		0.0	\$0	\$0	\$0
Engineering/construction Land		Electron de la company		existing to the state of the st			\$0	
Land		atawa tarenya						
Record Keeping System		THE REPORT OF THE PERSON OF THE				20 42 C 40 C 40 C 40 C		
Training/Sampling								
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED custs AVOIDED Costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) Personnel Personnel Personnel Disposal Personnel Inspection/Reporting/Sampling Notes for DELAYED custs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) O.0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0		A SECTION AND A SECTION AND ASSESSMENT OF THE PARTY OF TH	2002 - 200 -					
Permit Costs Other (as needed) Notes for DELAYED custs Estimated cost to begin collecting water samples from multiple locations. The Date Required is the date of the investigation. The Final Date is the estimated date of compliance. AVOIGED COSTS ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) Personnel Personnel 0.0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0		123.25	200					
Notes for DELAYED custs \$100 25-Oct-2006 30-Jun-2007 0.7 \$3 n/a \$3								
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Number of Violation Events 35 Number of violation days	
mark only one with an x daily monthly quarterly quarterly semiannual annual single event x	\$100
One single event is recommended.	
Economic Benefit (EB) for this violation Statutory Limit Test	
Estimated EB Amount \$17 Violation Final Penalty Total	
This violation Final Assessed Penalty (adjusted for limits)	\$100

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Compliance History

Customer/	Respondent/Owner-Operator:	CN600639934	Rosebud-Lott Independe District	nt School	Classification: DEFAULT	AVERAGE BY	Rating: 3.01
Regulated	Entity:	RN101194082	ROSEBUD LOTT ISD		Classification: DEFAULT	AVERAGE BY	Site Rating: 3.01
ID Numbei	r(s):	PUBLIC WATER PETROLEUM ST REGISTRATION WATER LICENS	•	REGISTRATE			0730025 33858
Location:		1789 Hwy 77,		LICENSE	Rating Date: S		0730025 6 Repeat Violator: N
TCEQ Reg	ion:	REGION 09 - WA	(CO				
Date Comp	pliance History Prepared:	January 12, 2007					
Agency De	ecision Requiring Compliance History:	Enforcement	***************************************				
Compliano	e Period:	January 10, 2002	to January 10, 2007				
TCEQ Sta	ff Member to Contact for Additional Info		this Compliance History one: 512-239-2540	34 - F. 1	,		
Name.	Arriy Waturi		51z-233-2340				
		Site C	ompliance History Cor	mponents			
	site been in existence and/or operation	-	, ,	Yes			
	re been a (known) change in ownership vho is the current owner?	of the site during th	ne compliance period?	No			
·	who was/were the prior owner(s)?			N/A			
				<u>N/A</u>		·	
	did the change(s) in ownership occur?			N/A			V
	ents (Multimedia) for the Site :		decrees of the state of Tow				eg .
A.	Final Enforcement Orders, court judger	nents, and consent	decrees of the state of Texa	as and the federal	government.	and the second s	975617
	N/A						- subsystem at the second seco
B.	Any criminal convictions of the state of N/A	Texas and the fede	eral government.				
C.	Chronic excessive emissions events.						
	N/A						•
D.	The approval dates of investigations. (0 N/A 1 11/08/2006 (516199)	CCEDS Inv. Track.	No.)			•	
E.	Written notices of violations (NOV). (Co	CEDS Inv. Track. N	o.)				
	N/A						
F.	Environmental audits. N/A						
G.	Type of environmental management sy	vstems (EMSs).					
	N/A						
H.	Voluntary on-site compliance assessm	ent dates.					
	N/A			•			
1.	Participation in a voluntary pollution re-	duction program.					
	N/A		•				
J.	Early compliance.						•
	N/A						
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	N/A						

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
ROSEBUD-LOTT INDEPENDENT	§	
SCHOOL DISTRICT	§	
RN101194082	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-0056-PWS-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Rosebud-Lott Independent School District ("Rosebud-Lott ISD") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and Rosebud-Lott ISD, appear before the Commission and together stipulate that:

- 1. Rosebud-Lott ISD owns and operates a public water supply at 1789 Highway 77 in Falls County, Texas (the "Facility") that has approximately 44 service connections and serves at least 25 people per day for at least 60 days per year.
- 2. The Commission and Rosebud-Lott ISD agree that the Commission has jurisdiction to enter this Agreed Order, and that Rosebud-Lott ISD is subject to the Commission's jurisdiction.
- 3. Rosebud-Lott ISD received notice of the violations alleged in Section II ("Allegations") on or about November 14, 2006.
- 4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Rosebud-Lott ISD of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 5. An administrative penalty in the amount of Four Hundred Sixty Dollars (\$460) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Rosebud-Lott ISD has paid Three Hundred Sixty-Eight Dollars (\$368) of the administrative penalty and Ninety-Two Dollars (\$92) is deferred contingent upon Rosebud-Lott ISD's timely and satisfactory

compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Rosebud-Lott ISD fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Rosebud-Lott ISD to pay all or part of the deferred penalty.

- 6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 7. The Executive Director of the TCEQ and Rosebud-Lott ISD have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Rosebud-Lott ISD has not complied with one or more of the terms or conditions in this Agreed Order.
- 9. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 10. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, Rosebud-Lott ISD is alleged to have:

- 1. Failed to provide all public water system operating records at the time of the investigation, in violation of 30 Tex. ADMIN. CODE § 290.46(f)(2), as documented during an investigation conducted on October 25, 2006.
- 2. Failed to develop and maintain a plant operations manual for operator review and reference, in violation of 30 Tex. ADMIN. CODE § 290.42(l), as documented during an investigation conducted on October 25, 2006.
- 3. Failed to collect routine bacteriological monitoring samples at active service connections that are representative of water throughout the distribution system, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(1)(A), as documented during an investigation conducted on October 25, 2006.
- 4. Failed to secure a purchase water contract, in violation of 30 TEX. ADMIN. CODE § 290.45(f), as documented during an investigation conducted on October 25, 2006.

III. DENIALS

Rosebud-Lott ISD generally denies each allegation in Section II ("Allegations").

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IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Rosebud-Lott ISD pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and Rosebud-Lott ISD's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Rosebud-Lott Independent School District, Docket No. 2007-0056-PWS-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that Rosebud-Lott ISD shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Begin maintaining all required water system operating records, in accordance with 30 Tex. ADMIN. CODE § 290.46;
 - ii. Create and begin maintaining a plant operations manual, in accordance with 30 TEX. ADMIN. CODE § 290.42;
 - iii. Begin collecting routine bacteriological monitoring samples at active service connections that are representative of water throughout the distribution system, in accordance with 30 Tex. ADMIN. CODE § 290.109; and
 - iv. Secure a purchase water contract, in accordance with 30 TEX. ADMIN. CODE § 290.45.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

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Rosebud-Lott Independent School District DOCKET NO. 2007-0056-PWS-E Page 4

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Public Water Supply Section, Manager Waco Regional Office Texas Commission on Environmental Quality 6801 Sanger Avenue, Suite 2500 Waco, Texas 76710-7826

- 3. The provisions of this Agreed Order shall apply to and be binding upon Rosebud-Lott ISD. Rosebud-Lott ISD is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the operations referenced in this Agreed Order.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Rosebud-Lott ISD shall be made in writing to the Executive Director. Extensions are not effective until Rosebud-Lott ISD receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. This Agreed Order, issued by the Commission, shall not be admissible against Rosebud-Lott ISD in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Rosebud-Lott ISD, or three days after the date on which the Commission mails notice of the Order to Rosebud-Lott ISD, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
De Salin	719/07
For the Executive Director	Date '
penalties, and/or attorney fees, or to a collectiIncreased penalties in any future enforcement	indicated below my signature, and I do agree to the mowledge that the TCEQ, in accepting payment for esentation. Ordering Provisions, if any, in this order and/or min: abmitted by me; I's Office for contempt, injunctive relief, additionation agency; actions against me; Office of any future enforcement actions against means.
Howell Land Signature	MARCH 1, 2007 Date
HOWELL E. WRIGHT	SUPERINTENDENT
Name (Printed or typed) Authorized Representative of	Title
Rosebud-Lott Independent School District	

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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